



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

JUL 21 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-101

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Arvid Monson
Member/Manager
Outlook Real Estate Investors LLC
63615 East Jacobs Road NE
Benton City, Washington 99320

Re: Clean Water Act Section 308 Information Request

Dear Mr. Monson:

The United States Environmental Protection Agency (EPA) sends this request for information as part of its investigation of the spill of used oil (approximately 1,500 gallons) that occurred at 2330 Outlook Road, in Sunnyside, Washington. The date of the spill is recorded as February 28, 2015, and reported on March 2, 2015, flowing into an irrigation ditch and then into Sulphur Creek and the Yakima River. This spill required significant response from tribal, federal, state and local agencies.


Congress has provided EPA the authority to request this information under Section 308 of the CWA, 33 U.S.C. § 1318. Please send the requested information no later than 30 days from your receipt of this letter to Steven Potokar, Mail Code OCE-101, at the address listed above. Please use the enclosed form to certify your answers.

You may claim that EPA should treat any of the requested information as confidential. Such a claim must follow the procedures in 40 C.F.R. Part 2, Subpart B. EPA will disclose the information covered by such claim only as allowed by that subpart. Making a confidentiality claim does not guarantee that EPA will agree that the information should be kept confidential. If a confidentiality claim is not submitted with the requested information, EPA may make the information available to the public without notice. You are required to provide the requested information even if you claim it to be confidential.

Please note that failure to provide all information requested, failure to adequately explain the basis for such failure, or making any false material statement or representation in response to this request for information constitutes a violation of Section 308 of the CWA, 33 U.S.C. § 1318, and may result in civil penalties of up to \$37,500 per day of violation. In addition, criminal consequences are possible in the

case of deliberate false statements. See 33 U.S.C. § 1319; 18 U.S.C. § 1001. If you have questions regarding this request, please contact Steven Potokar, Enforcement Officer, at (206) 553-6354.

Sincerely,



Edward J. Kowalski
Director

Enclosures

1. Information Request
2. Statement of Certification

cc: Ms. Valery Monson
Member, Outlook Real Estate Investors, LLC

Mr. William Monson
Member, Outlook Real Estate Investors, LLC

Ms. Molly Stutesman
Member, Outlook Real Estate Investors, LLC

INFORMATION REQUEST

Instructions

1. With your response, please provide copies of any documents you have relied upon or used to answer this request, even if you believe they may have been submitted to EPA previously by you or anyone else. Please indicate on each document the question(s) to which it pertains.
2. If information or documents become known or available to you after responding to this request for information, you must supplement your response to EPA as soon as possible. Moreover, if you determine at any time after responding that any portion of the submitted information is false or misrepresents the truth, you must notify EPA as soon as possible and provide EPA with a corrected response.
3. Please respond to each request to the extent possible. For anything you cannot answer, please explain why.

Definitions

Unless otherwise specified, all terms used in this request shall have the same meanings as in 33 U.S.C. §§ 1321 and 1362.

Requests/Questions

1. Provide the following business information:
Facility Name
Name of Owner(s)
Business NAICS and/or SIC codes
2. Provide EPA with any information Outlook Real Estate Investors, LLC has pertaining to the February 28, 2015 release of 1,500 gallons of used oil at 2330 Outlook Road location. This information can include: photographs, spill response reports/summaries, spill investigative reports/summaries, etc.
3. Provide EPA a list of the names, addresses and phone numbers of people who had access leading up to and during the time of the spill to the property at 2330 Outlook Road, Sunnyside, Washington.
4. Describe your use and operation of the property over the last five years.
5. Indicate any knowledge of who added any substances to the 3,000 gallon aboveground storage tank on the northwest corner of the pellet storage shed, what the substance was, the quantity, and when was it added over the last five years.
6. Provide EPA copies of any written contracts or agreements by Outlook Real Estate Investors, LLC or members of Outlook Real Estate Investors, LLC and any other party concerning the sale or use of, or access to, the property at 2330 Outlook Road, Sunnyside, Washington, or sale or use of, or access to, any of the fixtures, buildings, or improvements on the property.
7. Provide EPA copies of any environmental survey, study, analysis or other investigation of the property at 2330 Outlook Road, Sunnyside, Washington, conducted prior to March 1, 2015.

9. Describe the agricultural and/or industrial purpose and operations of the facility where the spill occurred, located at 2330 Outlook Road, Sunnyside, Washington. In your response please include answers to the following:
- a. Was the facility mentioned above considered to be part of a farm, and why?
 - b. If not a farm, was this facility a wholesale or retail business for which distribution point for sales of hay and/or other agricultural products occurred?
 - c. When did your current operations at this facility commence?
 - d. What was the purpose and size of the tank from which the spill occurred?
 - e. How long has the tank in question been in operation at the facility?
 - f. Had any visual or integrity testing (such as that required under Steel Tank Institute SP-001 standard) been performed at the tank since it was put into operation?
 - g. Who owned, operated, and maintained the tank from which the spill occurred?
 - h. Is there an existing, certified Spill Prevention Control and Countermeasure (SPCC) plan for the facility at this address, and/or is it a component of a farm SPCC plan?
10. Who owned and operated this facility before 2013 and after 2013?
11. What insurance does Outlook Real Estate Investors, LLC, or members of Outlook Real Estate Investors, LLC carry and to what extent does this coverage apply to its operations at 2330 Outlook Road, Sunnyside, Washington?

STATEMENT OF CERTIFICATION

I certify, under the penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Date

Print Name

Title